



## YOUTH COMMUNITY CORRECTIONS BUREAU STANDARD OPERATING PROCEDURES

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| Procedure No.: YCC 60-22                            | Subject: <b>RETENTION AND DESTRUCTION OF YOUTH RECORDS</b> |  |
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| Applicable ACA Standards:                           | Revision Date: 11-23-07, 10-10-08, 02-17-10                |  |
| Signature: /s/ Karen Duncan                         | Effective Date: 11-06-06                                   |  |
| Signature: /s/ Steve Gibson                         |  |  |

### I. BUREAU DIRECTIVE:

Youth Community Corrections (YCC) Bureau employees will follow established procedures for the retention and destruction of youth records. This procedure will be reviewed annually and updated as needed.

### II. DEFINITIONS:

**Department Records** – information or data, either in written or electronic form, maintained by the department pertaining to youth who are committed under [41-5-1512 \(1\) \(c\), MCA](#) or [41-5-1513 \(1\) \(b\), MCA](#) or who are under parole supervision. Department records do not include information provided by the Department to the Department of Public Health and Human Services' Management Information System or information maintained by the youth court through the Office of the Court Administrator.

**Destruction of Records** – destroying paper file or disassociating identifying information from offense information.

**Formal Youth Court Records** – information or data, either in written or electronic form, on file with the Clerk of District Court pertaining to a youth under the jurisdiction of the youth court and includes petitions, motions, other filed pleadings, court findings, verdicts, orders and decrees, and pre-dispositional studies.

**Informal Youth Court Records** – information or data, either in written or electronic form, maintained by youth court probation offices pertaining to a youth under the jurisdiction of the youth court and includes reports of preliminary inquiries, youth assessment materials, medical records, school records, and supervision records of probationers. The term does not include information provided by the Youth Court to the Department of Public Health and Human Services' Management Information System.

**Law Enforcement Records** – information or data, either in written or electronic form, maintained by a law enforcement agency, as defined in [7-32-201, MCA](#), pertaining to a youth covered by this chapter.

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**Sealed** – juvenile parole files are inaccessible except by court order upon the youth’s 18<sup>th</sup> birthday for a period of ten years.

**Youth Court** – the court established to hear all proceedings in which a youth is alleged to be a delinquent youth or a youth in need of intervention and includes the youth court judge, probation officers, and assessment officers.

### **III. PROCEDURES**

Juvenile Parole files are maintained on each youth committed to the Department of Corrections.

**A.** Upon each youth’s 18<sup>th</sup> birthday, the Juvenile Parole Officer (JPO) will:

1. Purge the field file of any duplicate information;
2. Remove the field file from the folder and place in a manila envelope;
3. Write on the outside corner of the manila envelope the youth’s name, date of birth, and county of commitment;
4. Forward the closed field files to the Administrative Support in the YCC Bureau. Closed field files from the Youth Transition Centers will stay on site at the facility for one year before being forwarded to the Administrative Support person in the YCC Bureau.

**B.** The Administrative Support person in the YCC Bureau will combine the field and central office files in a locked cabinet or in a locked storage room that is accessed only by authorized Division employees. Authorized positions or employees are:

1. Youth Services Division (YSD) Administrator;
2. YCC Bureau Chief;
3. YCC Bureau Administrative Support; and
4. YSD Administrative Officer.

**C.** After formal youth court, law enforcement, and department records are sealed, they are not open to inspection except, upon order of the youth court, for good cause including when a youth commits a new offense, to:

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1. Those persons and agencies listed in [41-5-215\(2\)](#); and
2. Adult probation professional staff preparing a pre-sentence report on a youth who has reached the age of majority.
3. When a file is being requested, the authorized Division employee who retrieves the file must check it out using the designated check-out form.

**D.** Annually, the YCC Administrative Support person will:

1. Make a record of the current year's closed files;
2. Move files into record storage boxes and give to the YSD Administrative Officer for records retention.;

**E.** After files have been placed into record storage boxes, YSD Administrative Officer/Records Retention Officer will:

1. Assign each box a defining number and
2. Develop a schedule for records retention and destruction
3. Closed files are kept in designated locked areas.

**F.** After ten years from the date of sealing and with the consent of the Youth Court Judge or county attorney, the Records Retention Officer begins the process to destroy records. Electronic records must have the offense and disposition information disassociated from youth's name. Records Retention Officer shall:

1. Determine files that are ready to be destroyed.
2. Submit letter to each corresponding Youth Court Judge or county attorney that the youth record will be destroyed.
3. Submit a [Records Disposal Request form \(RM5\)](#) to the Records Management Bureau to get approval to destroy.
4. Upon approval, set a date and time for these records to be retrieved and destroyed.

**IV. CLOSING:**

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Questions concerning this procedure shall be addressed to the Youth Community Corrections Bureau Chief.

**V. REFERENCES:**

[41-5-216, MCA](#)                      [Disposition of Youth Court, Law Enforcement, and Department Records](#)  
[53-1-203, MCA](#)                      [Powers and Duties of the Department of Corrections](#)

**VI. ATTACHMENTS:**

[YCC 60-22 \(A\) Records Retention Schedule](#)  
[YCC 60-22 \(B\) File Destruction Letter to Youth Court Judge or Attorney](#)